

## **REMARKS**

### **Missing Information Disclosure Statement**

For the second time, Applicant respectfully requests the Examiner mark the references on page 2 of the 1449 mailed on July 1, 2003 as considered and return page 2 with the next correspondence. If the Examiner is unable to find page 2 in the file, the Examiner is invited to call Sue Holloway at the number given below to obtain a copy for the record.

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to clarify that the invention utilizes a device identifier, not a user identifier, to perform transactions, and that there is no apparent identification of any user that is authorized to use the device. The Examiner is respectfully directed to paragraph 39 of the Specification where it states that the disclosed transaction device has a unique identifier and to paragraph 33 where it states that only transaction device information, not user information, is available to vendors and other entities. No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103***

#### **Claims 1-26**

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ogilvie, Johnson, Jakobsson (all previously cited) and US Patent Application 2001/0044785 to Stolfo et al. (newly cited). Claims 10, 11, 18 and 24 have been cancelled. Stolfo qualifies as prior art only under § 102(e) because it was published after Applicant's filing date. Applicant does not admit that Stolfo is prior art and reserves the right to challenge it at a later time. Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 1-9, 12-17, 19-23, 25 and 26.

Stolfo discloses anonymous package delivery using a user identifier for the recipient instead of the recipient's name. The user identifier is assigned by a proxy computer.

In contrast, Applicant's invention as claimed in the amended independent claims, uses a device identifier that is associated with a transaction device. Thus, multiple people using the transaction device will be associated with the single identifier, instead of each person having a unique user identifier as taught by Stolfo. In fact, none of the cited references use a device identifier as claimed.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-9, 12-17, 19-23, 25 and 26 under 35 U.S.C. § 103(a) over the combination of Ogilvie, Johnson, Jakobsson and Stolfo.

### **SUMMARY**

Claims 1-9, 12-17, 19-23, 25 and 26 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.



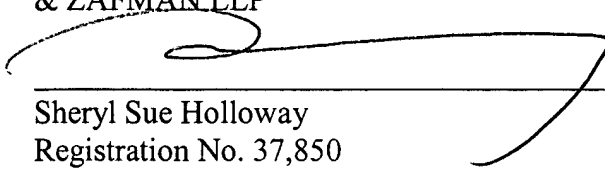
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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& ZAFMAN LLP

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